

**AN ORDINANCE**

**BY COMMUNITY DEVELOPMENT & HUMAN RESOURCES COMMITTEE**

**01-0-1489**

**AN ORDINANCE TO CHANGE THE EFFECTIVE DATE OF CREATION FOR THAT PORTION OF THE CASTLEBERRY HILL MIXED-USE RESIDENTIAL/COMMERCIAL ENTERPRISE ZONE KNOWN AS THE CASTLEBERRY INN/LEGACY AT CASTLEBERRY HILL, FROM JANUARY 1, 1996 TO JANUARY 1, 2002; AND FOR OTHER PURPOSES.**

**WHEREAS**, an amendment to the Constitution of the State of Georgia was adopted by referendum in November 1982 giving the Council of the City of Atlanta power to create urban enterprise zones in the City of Atlanta; and

**WHEREAS**, enabling legislation known as the Atlanta/Fulton County Urban Enterprise Zone Act was enacted by the Georgia General Assembly and signed by the Governor in March 1983 and subsequently amended; and

**WHEREAS**, the Atlanta/Fulton County Urban Enterprise Zone Act gives the Council of the City of Atlanta authority to designate areas within the City as urban enterprise zones for mixed-use residential/commercial purposes; and

**WHEREAS**, by ordinance adopted by the City Council on October 2, 1995 which became effective on October 7, 1995, created the Castleberry Hill Mixed-Use Residential/Commercial Enterprise Zone with tax abatements to become effective January 1, 1996; and

**WHEREAS**, Russell New Urban Development, LLC – Developer of Castleberry Inn Development, LLC - Owner, has requested that the effective date of that portion of the Castleberry Hill Mixed-Use Residential/Commercial Enterprise Zone known as the Castleberry Inn/Legacy at Castleberry Hill (Parcel Identification Numbers 14 00840009075-3 and 14 00840009030-8) be changed from January 1, 1996 to January 1, 2002; and

**WHEREAS**, the commercial portion of the Castleberry Hill Mixed-Use Residential/Commercial Enterprise Zone has remained undeveloped as a result of unanticipated development impediments; and

**WHEREAS**, The State of Georgia General Assembly's House Bill 483 amends the Atlanta/Fulton County Urban Enterprise Zone Act by giving the Council of the City of Atlanta authority to change the effective date for local enterprise zones that remain undeveloped as a result of unanticipated development impediments.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS AS FOLLOWS:**

**Section 1:** The Castleberry Hill Mixed-Use Residential/Commercial Enterprise Zone is hereby amended. The effective date of all exemptions for that portion of the Castleberry Hill Mixed-Use Residential/Commercial Enterprise Zone known as the Castleberry Inn/Legacy at Castleberry Hill therein shall be January 1, 2002. That portion of the Castleberry Hill Mixed-Use Residential/Commercial Enterprise Zone known as the Castleberry Inn/Legacy at Castleberry Hill shall be abolished on December 31, 2011. That portion of the Castleberry Hill Mixed-Use Residential/Commercial Enterprise Zone known as the Castleberry Inn/Legacy at Castleberry Hill shall otherwise not be abolished except as provided in State law.

**Section 2:** Twenty percent (20%) of the total units to be provided, and ten percent (10%) of the units in each housing type and bedroom composition, shall be within the ability to pay of those households

whose annual income does not exceed sixty percent (60%) of the median family income for the Atlanta metropolitan statistical area as most recently published by the United States Department of Housing and Urban Development (HUD), and as adjusted for household size in accordance with HUD procedures. For said units, the property owner shall verify each tenant's household income at the time that said tenant initially executes a lease agreement. Furthermore, the property owner, by January 31 of each year, shall submit a report to the Commissioner of Planning, Development, and Neighborhood Conservation, indicating the household income of each tenant who executed a lease agreement during the previous calendar year.

**Section 3:** The Municipal Clerk is hereby directed to transmit a copy of this ordinance as well as the legal description of the portion of the Castleberry Hill Mixed-Use Residential/Commercial Enterprise Zone known as the Castleberry Inn/Legacy at Castleberry Hill, to the Tax Commissioner of Fulton County, to the Commissioner of the Department of Community Affairs of the State of Georgia, and to the Superintendent of the Atlanta Board of Education immediately upon approval by the Mayor of the City of Atlanta.

**Section 4:** That all ordinances and parts of ordinances in conflict herewith are hereby repealed.

**EXHIBIT A**

**PROPOSED CASTLEBERRY INN & THE  
LEGACY AT CASTLEBERRY HILL**

**LEGAL DESCRIPTION**

***Legal Description***

**All that tract of land lying and being in Land Lot 84 of the 14<sup>th</sup> District of Fulton County, Georgia, and being more particularly described as follows:**

**Beginning at pk nail found at the intersection of the northwesterly right-of-way of Walker Street (Variable R/W) and the northerly right-of-way of Fair Street (50' R/W); Running thence along said right-of-way of Fair Street North 83 Degrees 14 Minutes 16 Seconds West a distance of 81.49 feet to a ½" rebar found; Running thence North 82 Degrees 49 Minutes 44 Seconds West a distance of 63.78 feet to a ½" open top found and being The True Point of Beginning; Thence continuing along said right-of-way North 83 Degrees 24 Minutes 15 Seconds West a distance of 95.87 feet to a ½" open top found; Running thence North 83 Degrees 33 Minutes 07 Seconds West a distance of 44.96 feet to a ¾" crimp top found; Running thence North 83 Degrees 55 Minutes 50 Seconds West a distance of 45.24 feet to a ½" crimp top found; Running thence North 83 Degrees 01 Minutes 42 Seconds West a distance of 209.92 feet to a ½" open top found; Thence leaving said right-of-way North 25 Degrees 53 Minutes 58 Seconds East a distance of 81.90 feet to a ½" open top found; Running thence North 83 Degrees 25 Minutes 42 Seconds West a distance of 34.80 feet to a point located on the southeasterly right-of-way of Northside Drive (Variable R/W); Running thence along said right-of-way North 28 Degrees 09 Minutes 39 Seconds East a distance of 75.31 feet to a point; Thence leaving said right-of-way South 61 Degrees 52 Minutes 20 Seconds East a distance of 113.27 feet to a point; Running thence North 64 Degrees 09 Minutes 04 Seconds East a distance of 28.45 feet to a point; Running thence North 26 Degrees 21 Minutes 06 Seconds East a distance of 65.35 feet to a point; Running thence North 52 Degrees 11 Minutes 02 Seconds East a distance of 58.99 feet to a point; Running thence North 06 Degrees 38 Minutes 03 Seconds East a distance of 15.12 feet to a point; Running thence South 83 Degrees 21 Minutes 57 Seconds East a distance of 107.75 feet to a point; Running thence North 06 Degrees 38 Minutes 03 Seconds East a distance of 16.50 feet to a point; Running thence South 83 Degrees 21 Minutes 57 Seconds East a distance of 52.81 feet to a point; Running thence South 07 Degrees 31 Minutes 30 Seconds West a distance of 98.56 feet to a point; Running thence South 82 Degrees 28 Minutes 53 Seconds East a distance of 51.97 feet to a point; Running thence South 14 Degrees 16 Minutes 44 Seconds West a distance of 56.57 feet to a ½" rebar found; Running thence South 18 Degrees 21 Minutes 04 Seconds West a distance of 102.86 feet to a ½" open top found and The True Point of Beginning.**

**Said parcel being Tract 1 containing 1.7163 Acres as shown on a Boundary Survey for Castleberry Inn Development, LLC by Travis Pruitt & Assoc., Inc., dated July 22, 2000. Last revised May 1, 2001(Fn: 116-C-1986)**

## ***Legal Description***

All that tract of land lying and being in Land Lot 84 of the 14<sup>th</sup> District of Fulton County, Georgia, and being more particularly described as follows:

Beginning at pk nail found at the intersection of the northwesterly right-of-way of Walker Street (Variable R/W) and the northerly right-of-way of Fair Street (50' R/W); Running thence along said right-of-way of Fair Street North 83 Degrees 14 Minutes 25 Seconds West a distance of 81.49 feet to a ½" rebar found; Running thence North 82 Degrees 49 Minutes 44 Seconds West a distance of 63.78 feet to a ½" open top found; Thence continuing along said right-of-way North 83 Degrees 24 Minutes 15 Seconds West a distance of 95.87 feet to a ½" open top found; Running thence North 83 Degrees 33 Minutes 07 Seconds West a distance of 44.96 feet to a ¾" crimp top found; Running thence North 83 Degrees 55 Minutes 50 Seconds West a distance of 45.24 feet to a ½" crimp top found; Running thence North 83 Degrees 01 Minutes 42 Seconds West a distance of 209.92 feet to a ½" open top found; Thence leaving said right-of-way North 25 Degrees 53 Minutes 58 Seconds East a distance of 81.90 feet to a ½" open top found; Running thence North 83 Degrees 25 Minutes 42 Seconds West a distance of 34.80 feet to a point located on the southeasterly right-of-way of Northside Drive (Variable R/W); Running thence along said right-of-way North 28 Degrees 09 Minutes 39 Seconds East a distance of 75.31 feet to The True Point of Beginning; Thence continuing along said right-of-way North 28 Degrees 09 Minutes 39 Seconds East a distance of 178.62 feet to the intersection the southeasterly right-of-way of Northside Drive (Variable R/W) and the southerly right-of-way of Stonewall Street (40' R/W); Running thence along said right-of-way of Stonewall Street South 83 Degrees 43 Minutes 54 Seconds East a distance of 87.49 feet to an "X" in conc. found; Running thence South 83 Degrees 21 Minutes 57 Seconds East a distance of 151.82 feet to a 1" open top found; Running thence South 84 Degrees 11 Minutes 01 Seconds East a distance of 50.18 feet to a ½" rebar found; Thence leaving said right-of-way South 07 Degrees 31 Minutes 30 Seconds West a distance of 59.23 feet to a point; Running thence North 83 Degrees 21 Minutes 57 Seconds West a distance of 52.81 feet to a point; Running thence South 06 Degrees 38 Minutes 03 Seconds West a distance of 16.50 feet to a point; Running thence North 83 Degrees 21 Minutes 57 Seconds West a distance of 107.75 feet to a point; Running thence South 06 Degrees 38 Minutes 03 Seconds West a distance of 15.12 feet to a point; Running thence South 52 Degrees 11 Minutes 02 Seconds West a distance of 58.99 feet to a point; Running thence South 26 Degrees 21 Minutes 06 Seconds West a distance of 65.35 feet to a point; Running thence South 64 Degrees 09 Minutes 04 Seconds West a distance of 28.45 feet to a point; Running thence North 61 Degrees 52 Minutes 20 Seconds West a distance of 113.27 feet to The True Point of Beginning.

Said parcel being Tract 2 containing 0.8844 Acres as shown on a Boundary Survey for Castleberry Inn Development, LLC by Travis Pruitt & Assoc., Inc., dated July 22, 2000. Last revised May 1, 2001(Fn: 116-C-1986)

Proposed Castleberry Inn & the Legacy at  
Castleberry Hill Mixed-Use  
Residential/Commercial Enterprise Zone

**Exhibit A**

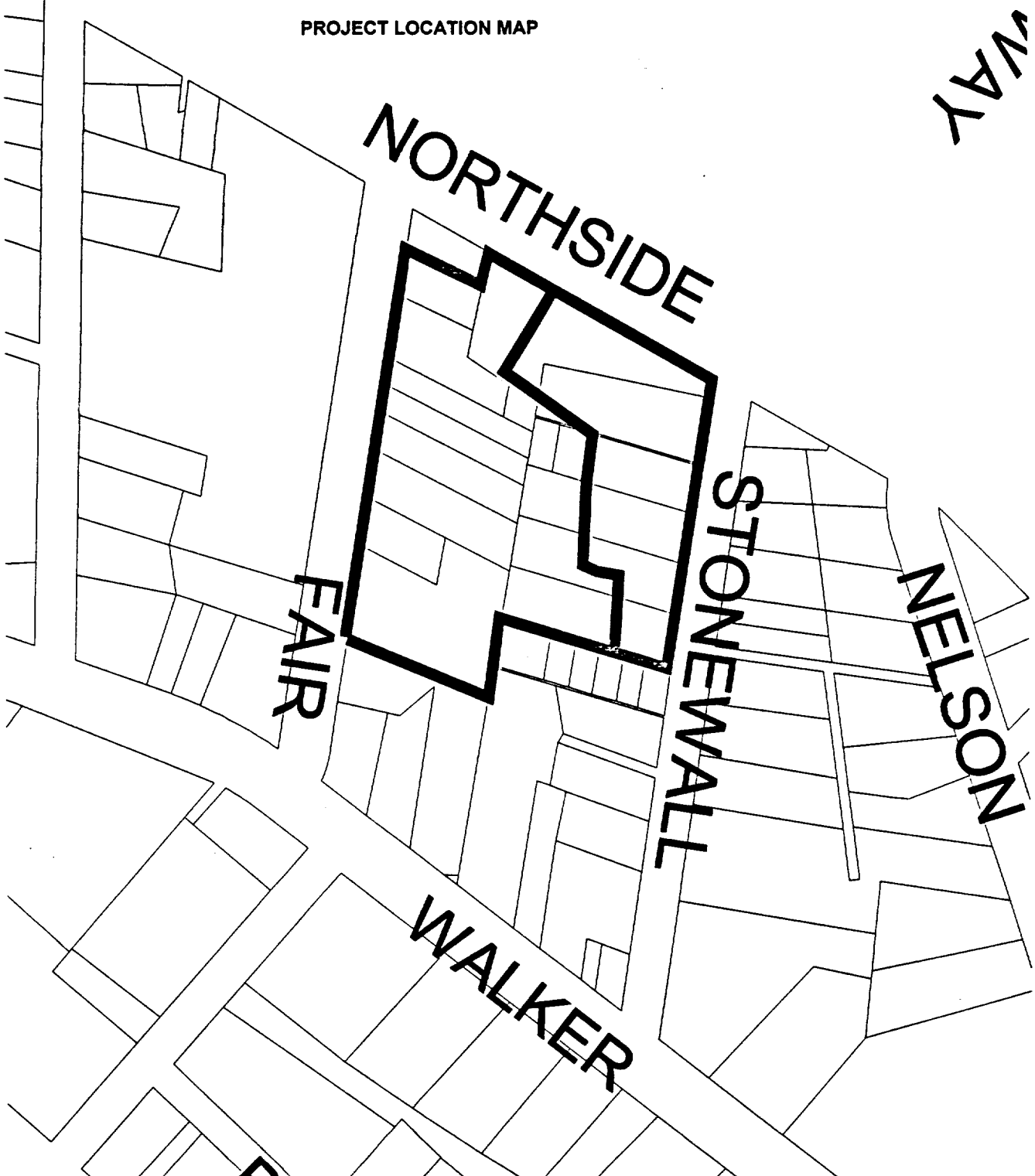
EXHIBIT B

PROPOSED CASTLEBERRY INN & THE  
LEGACY AT CASTLEBERRY HILL

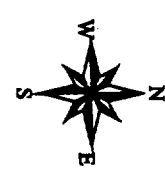
PROJECT LOCATION MAP

57

WAY



== Npu-m-streets  
□ Npu-m-parcels



THE LEGACY AT CASTLEBERRY HILL

**EXHIBIT C****PROPOSED CASTLEBERRY INN & THE  
LEGACY AT CASTLEBERRY HILL****2001 HUD Income Limits/Affordability****2001 HUD Income Limits/Affordability**

<b>FAMILY SIZE (% OF BASE)</b>	<b>INCOME ADJUSTMENT</b>	<b>LIVING ACOMODATIONS EXPENSES (&lt;30%)</b>	<b>MAXIMUM RENTS</b>
1 PERSON (70%)	\$27,930.00	\$8,379	\$698
2 PERSON (80%)	\$31,920.00	\$9,576	\$798
3 PERSON (90%)	\$35,910.00	\$10,773	\$898
4 PERSONS - BASE	\$39,900.00	\$11,970	\$998
5 PERSONS (108%)	\$43,092.00	\$12,928	\$1,077
6 PERSONS (116%)	\$46,284.00	\$13,885	\$1,157
7 PERSONS (124%)	\$49,476.00	\$14,843	\$1,237
8 PERSONS (132%)	\$52,668.00	\$15,800	\$1,317

**Maximum Sales Price \$146,300**  
(2.2 Rule / 2.2 times the Median Income)

**ASSUMPTIONS:**

Median Income \$66,500 - SMSA

Rent Range is Determined by the Number of Rooms Per Unit and the Atlanta Housing Code Maximum Allowable

Persons per Room - 2; A Two-Bedroom Apartment Unit Could Not House More Than a Four Person Household.

**TRANSMITTAL FORM FOR LEGISLATION**

**To Mayor's Office:** Greg Pridgeon

(For review & distribution to Executive Management)

Commissioner Signature 

Department of Planning

Director Signature 

Bureau of Planning

**From:** Department of Planning, Development  
Neighborhood Conservation

**Contact:** Robert Gray

**Committee(s) of Purview:** Community Development / Human Resources

**Committee Meeting Date (s)** 9/26 CD  
10/10 CD

**Committee Deadline** 9/14

**City Council Meeting Date** 10/1, 10/15

**CAPTION:**

**AN ORDINANCE TO CHANGE THE EFFECTIVE DATE OF CREATION FOR THAT PORTION OF THE CASTLEBERRY HILL MIXED-USE RESIDENTIAL/ COMMERCIAL ENTERPRISE ZONE KNOWN AS THE CASTLEBERRY INN/LEGACY AT CASTLEBERRY HILL, FROM JANUARY 1, 1996 TO JANUARY 1, 2002; AND FOR OTHER PURPOSES.**

**BACKGROUND/PURPOSE/DISCUSSION:**

Russell New Urban Development, LLC, a subsidiary of H.J. Russell & Company seeks to develop the Castleberry Inn and the Legacy at Castleberry Hill Mixed-Use Residential/Commercial Enterprise Zone. The Castleberry Inn component consists of 200 Single Room Occupancy Units. The Legacy at Castleberry Hill will be comprised of 18 one- and two-bedroom rental units, a barber salon, and Paschals Restaurant. Eighty-percent (80%) of the housing units of The Castleberry Inn and 30% of the housing units of The Legacy at Castleberry Hill will be set aside for individuals whose annual income does not exceed 60% of the Atlanta Area Median Income (AMI). Fifty new jobs are expected to be created. Total development is estimated to be \$15.7 million.

**FINANCIAL IMPACT (if any):**

The Department of Finance is conducting a fiscal impact analysis for the proposed zone.

**Mayor's Staff Only**

Received by Mayor's Office: 9/10/01 

Date

Reviewed: 

Initials

Date

Submitted to Council \_\_\_\_\_

Date

Action by Committee: ☐ Approved ☐ Adversed ☐ Held ☐ Amended  
☐ Substitute ☐ Referred ☐ Other